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June 17, 2013

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 9 – May 2013  
Lower Passaic River Study Area (LPRSA)  
River Mile 10.9 Removal Action  
CERCLA Docket No. 02-2012-2015**

Dear Ms. Vaughn:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the month of May, 2013.**

**Meetings/Conference Calls**

- On May 1, the New Jersey Tidelands Commission approved CPG's application for a Tidelands license.
- On May 1, CPG met with Jersey City Municipal Utilities Authority (JCMUA) personnel to discuss and clarify their offset requirements regarding the public water supply lines owned by the JCMUA that cross the RM 10.9 Removal Area. The JCMUA reduced their buffer for a no dredge zone from 50 feet laterally to 30 feet and restated that no dredging could occur above the waterlines
- On May 9, CPG and EPA held a teleconference to review details of CPG's proposed cap design, Water Quality Monitoring Plan (WQMP), and Perimeter Air Monitoring Plan (PAMP).
- On May 23, EPA held a teleconference with NJDEP and CPG to review EPA and NJDEP questions on the proposed WQMP.
- On May 31, CPG and EPA held a teleconference to discuss schedules for receiving approval on the Final Design Report, WQMP and PAMP, as well as to highlight the time it will take to order, obtain and mobilize equipment and capping materials after receiving EPA-approval.

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- On May 31, EPA requested that CPG schedule its dredging operation to begin on either July 9 or July 11 to accommodate the Regional Administrator's schedule; CPG stated that it would not delay the start of work until July 11. Based on this and subsequent requests, CPG now plans to start dredging on July 8.

### **Correspondence**

- On May 2, CPG received a letter from the JCMUA specifying a need to maintain a 30 foot offset from JCMUA water pipes that transect the Removal Area.
- On May 3, CPG shared the JCMUA letter with EPA.
- On May 6, CPG uploaded to EPA's SharePoint site the Final Design Report and Response to Comments (RTC) documents summarizing CPG responses to EPA, NJDEP and the Community Advisory Group (CAG) comments on the Draft Final Design Report.
- On May 8, CPG submitted to EPA a draft WQMP.
- On May 8, CPG submitted to EPA and NJDEP an extract of Physical Water Column Monitoring data from the RI/FS database showing the historical relationship between Suspended Solids (SS) and Turbidity at the RM 10.2 monitoring location.
- On May 9, CPG submitted a Technical Memorandum to EPA and NJDEP describing the technical basis and the process leading to the proposed cap design.
- On May 9, CPG submitted to the US Coast Guard a "Passaic River Project Notice to Mariners."
- On May 10, CPG responded to EPA's request for a summary of the input parameters and example calculations from the CAPSIM model that led to CPG's proposed Active Layer design, and a Red-Line Strike-Out version of the Draft Final Design Report highlighting changes made to it in creation of the Final Design Report.
- On May 14, NJDEP requested they be sent hard copies of the Final Design Report.
- On May 16, hard copies of the Final Design Report were delivered to NJDEP.
- On May 16, CPG complied with an EPA request to resend an electronic copy of CPG's RTCs on the Draft Final Design Report which were originally uploaded to the EPA SharePoint site on May 6. CPG also provided EPA an overview of its plans to satisfy NJDEP's requirements for additional details in support of the Waterfront Development Permit-Equivalent application.
- On May 16, CPG uploaded a draft PAMP to the EPA SharePoint Site and notified EPA and NJDEP of its availability.
- On May 23, CPG sent a letter to property owners adjacent to the RM 10.9 Removal Area, boat clubs/river users/school crew teams that use the Passaic River, other River stakeholders and residents of Lyndhurst to invite them to the June 5<sup>th</sup> public availability session and provide them with detail on the RM 10.9 Removal Action work.
- On May 22, EPA proposed modifications to CPG's draft WQMP.

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- On May 22, CPG provided NJDEP reports on flood hazard analysis associated with capping of the RM 10.9 Removal Area, and plans for silt curtain deployment to satisfy NJDEP's final conditions for issuance of the Waterfront Development Permit Equivalent.
- On May 23, CPG provided EPA with an analysis of the Removal Action's compliance with Section 404 of the Clean Water Act.
- On May 23, it is CPG's understanding that JCMUA informed EPA during a telephone conversation that the JCMUA would not allow dredging over the water pipelines running through the Removal Area and that 30 foot offsets that were discussed with CPG must be maintained by the dredging contractor.
- On May 23, EPA provided initial comments on CPG's Final Design Report and draft PAMP.
- On May 28, CPG provided EPA with RTCs in response to EPA and NJDEP comments on the draft WQMP as well as EPA and NJDEP questions raised during the May 23 teleconference.
- On May 30, CPG uploaded the draft Long Term Monitoring and Maintenance Plan (LTMMP) to the EPA SharePoint site.
- On May 31, EPA provided to CPG a proposed revised outline for implementing the WQMP.

### **Work**

- CPG discussed alternate offset requirements with the JCMUA to protect the water lines transecting the Removal Area and the JCMUA agreed to a 30 foot lateral offset with no dredging over the waterlines.
- CPG finalized its proposed design of the active layer for the Removal Area cap.
- CPG completed and submitted a Final Design Report.
- CPG drafted and submitted a draft WQMP and PAMP.
- CPG utilized the Delft3D hydraulic model to determine flooding risks associated with potential cap armoring materials of different surface roughness.
- CPG finalized contract terms with dredging, capping and disposal subcontractors to implement the Removal Action.
- CPG designed a website ([www.rm109.com](http://www.rm109.com)) that will contain information on the Removal Action.
- CPG developed site sign and flyer to be utilized in communications with the Riverside County Park and Municipal recreation area users and visitors.
- CPG developed June 5<sup>th</sup> availability session invitation and accompanying project fact sheet. Both were approved by EPA prior to distribution.
- CPG reviewed the potential for Job Training Initiative opportunities associated with the Removal Action.
- CPG documented per EPA's request that the Removal Action complies with the substantive requirements of Section 404 of the Clean Water Act.

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- CPG contracted with Ocean Surveys, Inc, (OSI) to perform sonar and magnetometer surveys on May 29 in an attempt to better delineate the horizontal and vertical location of the JCMUA pipelines.
- CPG worked with its subcontractors to determine their ability to use equipment on the Removal Action that would meet Tier 2 air emission standards.
- CPG continued to work with Clean Earth, CPG's stabilization subcontractor, in support of their application for an Acceptable Use Determination (AUD) from NJDEP.
- CPG determined if its contract laboratories were prepared to analyze 2 liter samples for analysis of TCDD.
- On May 30 and 31, CPG's dredging contractor deployed turbidity monitors in the River Mile 10.9 area in preparation to begin the pre-dredge water quality monitoring activities.
- CPG continued to respond to EPA and NJDEP comments on all design submittals.

**(b) Results of Sampling and Tests**

- On May 8, CPG submitted to EPA a summary of all validated RM 10.9 pore water data.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion and construction**

- CPG anticipates receiving a Waterfront Development Permit Equivalent from NJDEP by June 20.
- CPG anticipates receiving and paying an invoice for a Tidelands license from the State of New Jersey.
- CPG will respond to comments on the Final RM 10.9 Removal Action Design Report and submit revised pages in the report for final approval.
- CPG will respond to comments on the draft WQMP and implement the EPA-approved plan.
- CPG will respond to comments on the draft PAMP and implement the EPA-approved plan..
- CPG's dredging, treatment and disposal vendors will draft construction plans for implementation of the approved Final Design.
- CPG will respond to comments on the draft LTMMMP and submit a revised plan for final EPA-approval.
- CPG will continue working with Clean Earth to assist them in NJDEP air permit and AUD applications associated with handling RM 10.9 Removal Action sediment.
- CPG will continue discussions with Passaic River boat clubs, the Lyndhurst Fire Department and the Lyndhurst community regarding implementation of the Removal Action and minimization of impacts to the River.
- CPG will provide regular and as-needed updates to river users about barge movements and other important project milestones.

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- CPG will hold a tour of the Removal Area with the Passaic River CAG.
- CPG will place an order for capping materials.
- CPG will initiate all the activities required to commence dredging by July 8 which includes preparation of equipment, mobilize equipment to the site, setup silt curtain and conduct a shakedown of the equipment at the site.
- CPG will, pending EPA's final authorization:
  - begin dredging operations on July 8
  - begin stabilization activities at the Clean Earth Kearny facility soon thereafter
  - transport decant water for treatment from the Clean Earth Kearny facility to the Clean Harbors Baltimore facility
  - transport and dispose of stabilized sediment in the Clean Harbors Waynoka OK landfill.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays**

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27, 2012 and September 7, 2012, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.
- In prior months, NJDEP continued to question changes in flood potential associated with the RM 10.9 cap, as well as CPG's ability to manage re-suspension of sediment in accordance with NJ regulations. NJDEP has stated that it will not issue a final WDP equivalent until these questions are resolved. CPG utilized the EPA-approved Delft3D model for the RM10.9 Removal Area and clearly demonstrated to the NJDEP that there will be no significant changes in RM 10.9 Removal Area surface roughness and that any change to surface roughness will have negligible impacts on upstream and downstream flood potential. CPG also provided NJDEP additional details on its marine contractor's planned silt curtain implementation and discussed how it will provide satisfactory controls on re-suspension. Because there have been no questions from NJDEP on these matters since CPG's May 22 submittal, it is anticipated that the provided information will be considered adequate to allow issuance of the Waterfront Development Permit Equivalent.
- Delays by NJDEP past mid-June in issuing the Waterfront Development permit equivalent and the Clean Earth AUD may impact the start date of July 8.
- As discussed in Section (a), CPG has adjusted the start date from July 1 which was EPA's previous targeted start date to July 8. This start date will address EPA's May 31 request for a later start date and reduce community impacts over the holiday weekend.

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If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

**de maximis, inc.**



Stan Kaczmarek, PE  
RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel  
William Hyatt, CPG Coordinating Counsel  
Jay Nickerson, NJDEP  
Roger McCready, CH2M Hill